

1 W. Fischer - by Plaintiff - Direct/by Mr. Bowen
2 number 1 came into existence in late '05?

3 (Pause)

4 A It would have to have been in '05. Whether it was late
5 '05 or not, I don't know.

6 The reason I remember the discussion and everything
7 related to it was more because of the \$100,000 amount. Because,
8 ultimately, we had to give effect to that on the tax return
9 that we prepare, Frames and Fischer.

10 And the last tax return that we prepared was the 2005
11 tax return. So, putting those events together it would seem
12 reasonable that certainly the discussion took place in that
13 year.

14 Q Okay. Thank you.

15 MR. BOWEN: This a good place to stop, Judge.

16 THE COURT: Yes. Okay, tomorrow morning.

17 MR. HERSCHEMANN: May I address one issue before we
18 break?

19 THE COURT: Of course. But, you have to make it
20 snappy.

21 MR. HERSCHEMANN: The last time I was in court with
22 Mr. Dellaportas and on February 20th of this year, he made
23 an allegation as an Officer of The Court against me, when I
24 said we were doing the work pro bono. Your Honor recalls
25 that.

26 I have a retainer letter that would reflect that

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2 all of the attorneys that are on the trial for Kasowitz are
3 working pro bono.

4 Leaving that aside he made a claim of master mind
5 business dealings with Arie Genger, we have reason to
6 believe that he is in business dealings with Arie Genger.
7 And that is his conversation, referring to me.

8 That is on page 633.

9 That statement, your Honor, is blatantly false.
10 It's a complete absolute fabrication.

11 I don't know what Arie Genger does for a living. I
12 don't really care. But, Mr. Dellaportas made, as an Officer
13 of The Court made an allegation against it. He made an
14 allegation to The Court that I misled The Court.

15 I believe he would be compelled to provide what is
16 the basis for that.

17 MR. DELLAPORTAS: I would like to produce, since
18 this isn't the first time we have had a record, all records
19 establishing what the retainer arrangements are between the
20 Kasowitz firm.

21 It is now for the third time put on the record.

22 As far as what the basis is I would like to open up
23 with everything. I would like Mr. Herschmann to take the
24 stand and talk about how you authorized my client to be
25 stopped, from my client's wife and children to be stopped.
26 Put them on the stand, I'm happily -- Don't interrupt me.